

REMARKS

Applicants have thoroughly considered the January 4, 2007 Final Office action. This Amendment B amends claims 1, 6, 27, 45, 54, and 57 and cancels claims 4, 9-10, 56, and 58 to more clearly set forth the invention. **Applicants also note that the subject matter of previously presented claims 1 and 4-58 has been considered by the Examiner.** As such, **Applicants submit that this Amendment B raises no new issues that would require further consideration and/or search and raises no issue of new matter.** Rather, this Amendment B places the application in better form by incorporating subject matters from dependent claims that have already been considered. Applicants respectfully request that favorable reconsideration of the application in light of the amendments and following remarks and the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

As a preliminary matter, Applicants kindly request the Examiner to indicate whether the drawings submitted on June 24, 2003 have been accepted and to consider the supplement IDSs submitted on December 29, 2006 and January 25, 2007 before issuing a subsequent action.

Rejection under 35 U.S.C. §103(a)

Previously presented claims 1 and 4-58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amatsu et al (US Patent No. 5,471,615) and further in view of Microsoft Windows Server 2000 white paper (“MWS2K reference”). Applicants submit that the combined references of Amatsu and the MWS2K reference fail to disclose or suggest each and every element of the independent claims 1, 6, 27, 45, 54, and 57 because the combined references fail to disclose that the second computer “**polls or identifies**” the job list maintained by the first computer and accepts the job from the first computer before executing the job. Such active and distributed environment promotes efficient job processing and distribution. (See also Application, paragraphs 29 and 35, FIGS. 3 and 4)

To the contrary, embodiments of the invention as recited by independent claims disclose that the second computer “**polls the list of jobs maintained by the first computer, wherein the second computer accepts one of the jobs from the first computer and executes the accepted job by performing the operation associated therewith...**” as recited in the amended claim 1.

Neither Amatsu nor the MWS2K reference discloses or suggests this feature recited in the amended claim 1. In addition, contrary to the Office's assertion, Applicants submit that Amatsu fails to disclose or suggest that the second computer **polls the list of jobs and accepts one of the jobs from the first computer**. For example, col. 11, lines 23-41 of Amatsu specifically provide that

After setting up the front-end runtime environment, the front-end job controller 75 sends a job initiation request to the back-end computer 3. The back-end computer job controller 62 initiates the job 80 as a normal UNIX batch job and waits for it to complete.

In other words, Amatsu merely discloses that the back-end computer passively "receives the job," not actively polling the job for it to accept and executes at the first computer. In fact, Amatsu teaches away from at least this feature of the invention. Furthermore, the MWS2k fails to cure the deficiencies of Amatsu and thus the combined references of Amatsu and the MWS2k reference cannot disclose or suggest each and every element of claim 1.

Because the Office fails to establish the *prima facie* elements of an obviousness rejection under 35 U.S.C. §103(a), Applicants request that the rejection of independent claim 1, and its dependent claim 5, under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claim 6 recites, in part and incorporating subject matter from dependent claim 9, "**requesting a job from one of the first computers**, said job having an operation associated with creation of an installed software image..." To the contrary, Amatsu specifically teaches away from this feature by disclosing that "the job server is an independent process which awaits **job initiation requests from the front-end computer 2** (emphasis added)." (Amatsu, col. 9, lines 9-11). Hence, the combined references of Amatsu and the MWS2K reference cannot disclose or suggest each and every element of claim 6. Therefore, Applicants submit that the Office fails to establish *prima-facie* elements of an obviousness rejection under 35 U.S.C. §103(a). Therefore, Applicants submit that the rejection of independent claim 6, and its dependent claims 7-8, 11-26, under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claim 27, by incorporating limitations from the preamble, recites “a method in a distributed build environment in which a first computer delegates installation of a software image to one or more second computers, said method performed by the first computer comprising maintaining a list of jobs **for installation of a software image**, each of said jobs being related to creation of an installed software image, wherein each of the second computers **polls the list of jobs**, selects one or more of the jobs, performs the selected jobs, and creates the installed software image after performing the selected jobs”. Because the combined references of Amatsu and the MWS2K reference fail to disclose or suggest each and every element of amended claim 27, Applicants submit that claim 27 and its dependent claims 28-44 are patentable over the cited art. Because the Office fails to establish the *prima facie* elements of an obviousness rejection under 35 U.S.C. §103(a), Applicants request the rejection of claims 27-44 be withdrawn.

Also, amended claim 45 incorporates features from dependent claim 49 and recites, “one or more computer-readable media having a data structure stored thereon, wherein said data structure being used in a distributed build environment in which a first computer delegates creation of an installed software image to a second computer, said data structure representing a status associated with installation of the software image, said data structure comprising: an identifier associated with the second computer; and a descriptor indicating the status of the installation performed by the second computer as identified by the identifier, **wherein the second computer configures the installed software image**”. Because Amatsu merely discloses that the back-end servers receives the job initiation request from the front-end computers and completes the job request, Amatsu fails to disclose or suggest a data structure representing a status of installation performed by the back-end computer as the back-end computer does not need to monitor the status while it is performing the job. (Amatsu, col. 11, lines 28-35).

The combined references of Amatsu and the MWS2K reference fail to discuss or suggest each and every element of claim 45. Therefore, claim 45 and its dependent claims 46-48, 50-53 are patentable over the cited art. Hence, the rejection of claims 45-48 and 50-53 under 35 U.S.C. §103(a) should be withdrawn.

Also, amended claim 54 incorporates the features from claim 56 and recites, “a computer-readable medium having a data structure stored thereon, said data structure being used in a distributed build environment in which a first computer delegates creation of an installed software image to a second computer, said data structure representing one or more jobs, said data structure comprising: a job identifier associated with each of the jobs, **said data structure being stored on the first computer, said data structure being accessible by the second computer;** and a script defining a plurality of operations associated with the job identifier to be performed by the second computer to create an installed software image, **wherein the script further defines operations to configure the installed software image**”. Nowhere does Amatsu or the MWS2K reference disclose or suggest a data structure **stored at the front-end computer** having a script **defining a plurality of operations associated with the job identifier to be performed...**” because Amatsu merely discloses that the “front end job controller 80 sends a ‘job initiation request’ to the back-end computer 3.” For at least the reasons above, Applicants submit that a combination of the cited references fails to disclose or suggest each and every feature of claim 54. Therefore, the rejection of claim 54 under 35 U.S.C. §103(a) should be withdrawn.

Amended claim 57 incorporates the features from dependent claim 58 by reciting, in part, “an interface means for the second computer to **poll one of the jobs maintained by the first computer via the list means, wherein the second computer accepts one of the jobs...**” Nowhere do the combined references of the cited art disclose or suggest each and every feature of claim 57. Therefore, the Office fails to establish the *prima facie* elements of an obviousness rejection, and the rejection of claim 57 under 35 U.S.C. §103(a) should be withdrawn.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants’ agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner’s amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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